

AMENDED IN SENATE JULY 8, 1999
AMENDED IN ASSEMBLY MAY 19, 1999
AMENDED IN ASSEMBLY MAY 6, 1999
AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 850

Introduced by Assembly Member Torlakson
(Principal coauthor: Assembly Member Correa)
(Coauthors: Assembly Members Knox, Leach, and Romero)
(Coauthor: Senator Speier)

February 24, 1999

An act to add Part 8.1 (commencing with Section 7920) to Division 5 of the Labor Code, relating to amusement rides.

LEGISLATIVE COUNSEL'S DIGEST

AB 850, as amended, Torlakson. Amusement rides: safety.

Under existing law, amusement rides, as defined, are required to be operated under a permit issued by the Division of Occupational Safety and Health of the Department of Industrial Relations. The existing statutory definition of “amusement ride,” for purposes of these provisions, excludes the operation of amusement devices of a permanent nature.

This bill would establish the Permanent Amusement Ride Safety *Inspection* Program (the program). This bill would define “permanent amusement ride” for the purposes of the program to mean mechanical devices, aquatic devices, or a

combination of devices, of a permanent nature that carry or convey passengers, as specified. The bill would exclude slides, playground equipment, and other equipment from that definition.

This bill would exclude certain parks and entities from the program, including, among others, playgrounds operated by a school or local government, museums, skating rinks, live animal shows, and permanent amusement rides operated at a private event, as specified. This bill would define “qualified safety inspector” for the purposes of the program to mean a person approved by the division who holds a valid license as a professional engineer issued by this state or equivalent license issued by another state or who has demonstrated to the division that he or she has a minimum of 5 years of experience in the amusement ride field, as specified, takes continuing education courses, and has completed at least 80 hours of education from a school approved by the division for amusement ride safety.

This bill would require each owner of a permanent amusement ride to submit a certificate of compliance on an annual basis to the division that includes, among other things, a written declaration, executed by a qualified safety inspector, stating that within the preceding 12-month period, the permanent amusement ride was inspected by the inspector and that the permanent amusement ride is in material conformance with the program and any rules adopted by the division.

This bill would prohibit any person from operating a permanent amusement ride that has been inspected by a qualified safety inspector or a division inspector and found to be unsafe, until all necessary repairs and modifications, or both, have been completed.

This bill would provide that the qualified safety inspector making the written declaration may be an in-house, full-time safety inspector employed by the owner of the permanent amusement ride, an employee or agent of the insurance underwriter or insurance broker of the amusement ride, an employee or agent of the manufacturer of the ride, or an independent consultant or contractor.



This bill would provide that a person may operate a permanent amusement ride only if at the time of that operation a minimum level of insurance insures the owner or operator against liability arising out of use of the ride, a bond is posted in that amount, or the owner is self-insured in a manner established by the division.

This bill would require that the owner of a permanent amusement ride provide specified training to its employees on the safe operation and maintenance of amusement rides.

~~This bill would require each patron who rides a permanent amusement ride to comply with certain warnings and to refrain from certain behavior that may cause or contribute to the injury of the patron or others, including, among other behavior, interfering with the safe operation of the permanent amusement ride.~~

This bill would require persons who operate permanent amusement rides to ~~maintain accurate records of report immediately by telephone to the division each known~~ accident of which he or she has knowledge that results in the death of, or serious injury to, ~~a patron or employee, any person~~ that was caused by the permanent amusement ride, as specified, ~~and would require the owner to immediately notify the division by telephone or in person of that accident.~~ The bill would authorize a ~~qualified safety division~~ inspector ~~employed by the division~~ to inspect any amusement ride after the report of an accident to the division.

This bill would authorize the division to inspect the records for a permanent amusement ride or the ride, or both, ~~if the division finds that the certificate of compliance submitted pursuant to this section for the ride is fraudulent or the accident statistics on the ride raise safety concerns or indicate specific trends.~~

~~This bill would authorize the division to randomly inspect permanent amusement parks pursuant to this section. The division would be required to inspect 25% of the permanent amusement parks in this state and not less than 25% of the permanent amusement rides at the park. No amusement park would be inspected more than 2 times in any 5-year period.~~

The bill would authorize the division to order cessation of operation of a permanent amusement ride that is determined

after inspection to be hazardous or unsafe and would prohibit operation of the ride until these conditions are corrected to the satisfaction of the division.

This bill would authorize the division to fix and collect fees ~~for the inspection of permanent amusement rides to carry out the administration of the program.~~ The bill would also provide that if the division determines that any owner or operator of a permanent amusement ride has willfully or intentionally violated this part or any rule or regulation promulgated under this part *and that violation results in a death or serious injury*, the division shall impose on that owner or operator a civil penalty of not less than \$25,000 and not more than \$70,000.

This bill would authorize the division to adopt rules and regulations necessary for the administration of the program and to employ qualified safety inspectors.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 8.1 (commencing with Section
2 7920) is added to Division 5 of the Labor Code, to read:

3
4 PART 8.1. PERMANENT AMUSEMENT RIDE
5 SAFETY INSPECTION PROGRAM
6

7 7920. It is the intent of the Legislature in enacting this
8 part to create a state system for the inspection of
9 permanent amusement rides. This part shall be known
10 and may be cited as the Permanent Amusement Ride
11 Safety Inspection Program.

12 ~~7921. (a) For the purposes of this part, "permanent~~

13 7921. As used in this part:

14 (a) "Permanent amusement ride" means a
15 mechanical device, aquatic device, or combination of
16 devices, of a permanent nature that carries or conveys
17 passengers along, around, or over a fixed or restricted
18 route or course for the purpose of giving its passengers
19 amusement, pleasure, thrills, or excitement. "Permanent
20 amusement ride" includes the business of operating

1 bungee jumping services or providing services to
2 facilitate bungee jumping, but does not include slides,
3 playground equipment, coin-operated devices or
4 conveyances that operate directly on the ground or on a
5 surface or pavement directly on the ground. The division
6 shall determine the specific devices that are permanent
7 amusement rides for the purposes of this part. This
8 determination shall be made to apply equally to all
9 operators of similar or identical rides and shall be made
10 pursuant to a procedure promulgated by the standards
11 board.

12 (b) “Operator” or “owner” means a person who owns
13 or controls or has the duty to control the operation of an
14 amusement ride. It includes the state and every state
15 agency, and each county, city, district, and all public and
16 quasi-public corporations and public agencies therein.

17 (c) This part does not apply to any of the following:

18 ~~(1) Any playground operated by a school or local~~
19 ~~government if the playground is an incidental amenity~~
20 ~~and the operating entity is not primarily engaged in~~
21 ~~providing amusement, pleasure, thrills, or excitement.~~

22 ~~(2) Museums or other institutions principally devoted~~
23 ~~to the exhibition of products of agriculture, industry,~~
24 ~~education, science, religion, or the arts.~~

25 ~~(3) Skating rinks, arcades, laser or paint ball war~~
26 ~~games, indoor interactive arcade games, bowling alleys,~~
27 ~~miniature golf courses, mechanical bulls, inflatable rides,~~
28 ~~trampolines, ball crawls, exercise equipment, jet skis,~~
29 ~~paddle boats, air boats, helicopters, airplanes, parasails,~~
30 ~~hot air balloons, whether tethered or untethered,~~
31 ~~theaters, amphitheaters, batting cages, stationary~~
32 ~~spring-mounted fixtures, rider-propelled~~
33 ~~merry-go-rounds, games, slide shows, live animal rides, or~~
34 ~~live animal shows.~~

35 ~~(4) Permanent amusement rides operated at a private~~
36 ~~event that are not open to the general public and not~~
37 ~~subject to a separate admission charge.~~

38 ~~7922. For the purposes of this part, “qualified safety~~

39 ~~(c) “Qualified safety inspector” means either of the~~
40 ~~following:~~

1 ~~(a)~~—

2 (1) A person who holds a valid professional engineer
3 license issued by this state or issued by an equivalent
4 licensing body in another state, and who has been
5 approved by the division as a qualified safety inspector.

6 ~~(b)~~—

7 (2) A person who documents to the satisfaction of the
8 division that he or she meets all of the following
9 requirements:

10 ~~(1)~~—

11 (A) The person has a minimum of five years
12 experience in the amusement ride field, at least two years
13 of which were involved in actual amusement ride
14 inspection with a manufacturer, government agency,
15 amusement park, carnival, or insurance underwriter.

16 ~~(2)~~—

17 (B) The person completes not less than 15 hours per
18 year of continuing education at a school approved by the
19 division, which education shall include inservice industry
20 or manufacturer updates and seminars.

21 ~~(3)~~—

22 (C) The person has completed at least 80 hours of
23 formal education during the past five years from a school
24 approved by the division for amusement ride safety.
25 Nondestructive-testing training, as determined by the
26 division, may be substituted for up to one-half of the 80
27 hours of education.

28 ~~7923.—~~

29 7922. *This part does not apply to any of the following:*

30 (a) *Any playground operated by a school or local*
31 *government if the playground is an incidental amenity*
32 *and the operating entity is not primarily engaged in*
33 *providing amusement, pleasure, thrills, or excitement.*

34 (b) *Museums or other institutions principally devoted*
35 *to the exhibition of products of agriculture, industry,*
36 *education, science, religion, or the arts.*

37 (c) *Skating rinks, arcades, laser or paint ball war*
38 *games, indoor interactive arcade games, bowling alleys,*
39 *miniature golf courses, mechanical bulls, inflatable rides,*
40 *trampolines, ball crawls, exercise equipment, jet skis,*

1 *paddle boats, air boats, helicopters, airplanes, parasails,*
2 *hot air balloons, whether tethered or untethered,*
3 *theaters, amphitheaters, batting cages, stationary*
4 *spring-mounted fixtures, rider-propelled*
5 *merry-go-rounds, games, slide shows, live animal rides, or*
6 *live animal shows.*

7 *(d) Permanent amusement rides operated at a private*
8 *event that are not open to the general public and not*
9 *subject to a separate admission charge.*

10 7923. *(a) The division shall formulate and propose*
11 *rules and regulations for adoption by the Occupational*
12 *Safety and Health Standards Board for the safe*
13 *installation, repair, maintenance, use, operation, and*
14 *inspection of all permanent amusement rides as the*
15 *division finds necessary for the protection of the general*
16 *public using permanent amusement rides. The rules and*
17 *regulations shall be in addition to the existing applicable*
18 *safety orders and will be concerned with engineering*
19 *force stresses, safety devices, and preventative*
20 *maintenance. Nothing in this part shall limit the authority*
21 *of the division to prescribe or enforce general or special*
22 *safety orders.*

23 *(b) It is the Legislature's intent that the rules and*
24 *regulations adopted pursuant to this part be consistent*
25 *with those adopted by the Occupational Safety and*
26 *Health Standards Board for traveling amusement rides.*

27 7924. *(a) On an annual basis, each owner of a*
28 *permanent amusement ride shall submit to the division*
29 *a certificate of compliance on a form prescribed by the*
30 *division, which shall include the following:*

31 *(1) The legal name and address of the owner and his*
32 *or her representative, if any, and the primary place of*
33 *business of the owner.*

34 *(2) A description of, the name of the manufacturer of,*
35 *and, if given by the manufacturer, the serial number and*
36 *model number of, the permanent amusement ride.*

37 *(3) A written declaration, executed by a qualified*
38 *safety inspector, stating that, within the preceding*
39 *12-month period, the permanent amusement ride was*
40 *inspected by the qualified safety inspector and that the*

1 permanent amusement ride is in material conformance
2 with the requirements of this section and all applicable
3 rules and regulations adopted by the division *and*
4 *standards board*.

5 (b) The owner of multiple permanent amusement
6 rides at a single site may submit a single ~~declaration~~
7 *certificate of compliance* that provides the information
8 required by subdivision (a) for each permanent
9 amusement ride at that site.

10 (c) A certificate of compliance shall not be required
11 until one year following the promulgation of any rules or
12 regulations by the division governing the submission of
13 the certificates.

14 (d) No person shall operate a permanent amusement
15 ride that has been inspected by a qualified safety
16 inspector or division inspector and found to be unsafe,
17 unless all necessary repairs or modifications, or both, to
18 the ride have been completed and certified as completed
19 by a qualified safety inspector.

20 (e) For the purposes of satisfying this section, a
21 qualified safety inspector shall meet the requirements in
22 ~~Section 7922 subdivision (c) of Section 7921~~ and may be
23 an in-house, full-time safety inspector of the owner of the
24 permanent amusement ride, an employee or agent of the
25 insurance underwriter or insurance broker of the
26 permanent amusement ride, an employee or agent of the
27 manufacturer of the amusement ride, or an independent
28 consultant or contractor.

29 (f) The owner of a permanent amusement ride shall
30 maintain all of the records necessary to demonstrate that
31 the requirements of this section have been met,
32 including, but not limited to, employee training records
33 and maintenance, repair, ~~and~~ inspection records for each
34 permanent amusement ride, *and records of accidents of*
35 *which the operator has knowledge, caused by a*
36 *permanent amusement ride, requiring medical service*
37 *other than ordinary first aid*, and shall make them
38 available to a ~~qualified inspector of the division~~ *division*
39 *inspector* upon request. The ~~records shall be made~~ *owner*
40 *shall make those records* available for inspection by the

1 division during normal business hours at the owner's
 2 permanent place of business. The owner, or
 3 representative of the owner, ~~of the permanent~~
 4 ~~amusement ride or rides~~ may be present when the
 5 division inspects the records. ~~The owner shall make those~~
 6 ~~records available for inspection by the division during~~
 7 ~~normal business hours at the owner's permanent place of~~
 8 ~~business.~~ In conjunction with an inspection of records
 9 conducted pursuant to this subdivision, the division shall
 10 ~~conduct a walk-through~~ *an* inspection of the operation of
 11 the rides at the permanent amusement park.

12 (g) Upon receipt of a certificate of compliance, the
 13 division shall notify the owner of the permanent
 14 amusement ride or rides for which a certificate is
 15 submitted whether the certificate meets all the
 16 requirements of this section, and if not, what
 17 requirements must still be met.

18 (h) The division ~~may~~ *shall*, in addition to the annual
 19 inspection performed by the division *pursuant to*
 20 *subdivision (f)*, inspect the records for a permanent
 21 amusement ride or the ride, or both, under either of the
 22 following circumstances:

23 (1) The division finds that the certificate of
 24 compliance submitted pursuant to this section for the ride
 25 is fraudulent.

26 ~~(2) Accident statistics on the ride raise safety concerns~~
 27 ~~or indicate specific trends that may raise safety concerns.~~

28 ~~7923.5. The division may randomly inspect~~
 29 ~~permanent amusement parks pursuant to this section.~~
 30 ~~Each year, the division shall inspect 25 percent of the~~
 31 ~~permanent amusement parks in the state. In inspecting~~
 32 ~~a permanent amusement park, the division shall inspect~~
 33 ~~not less than 25 percent of the permanent amusement~~
 34 ~~rides at the park. No amusement park shall be inspected~~
 35 ~~pursuant to this section more than two times in any~~
 36 ~~five-year period.~~

37 ~~7924.—~~

38 (2) *The division determines, pursuant to regulations it*
 39 *has adopted, that a permanent amusement ride has a*

1 *disproportionately high incidence of accidents required*
2 *to be reported pursuant to Section 7925.*

3 *(i) The division shall conduct its inspections with the*
4 *least disruption to the normal operation of the permanent*
5 *park.*

6 *7925. (a) Each operator of a permanent amusement*
7 *ride shall report or cause to be reported to the division*
8 *immediately by telephone each known accident where*
9 *maintenance, operation, or use of the permanent*
10 *amusement ride results in a death or serious injury to any*
11 *person unless the injury does not require medical service*
12 *other than ordinary first aid. If a death or serious injury*
13 *is caused by the failure or malfunction of a permanent*
14 *amusement ride, the equipment or conditions that*
15 *caused the accident shall be preserved for the purpose of*
16 *an investigation by the division.*

17 *(b) A division inspector may inspect any permanent*
18 *amusement ride after the report of an accident to the*
19 *division. The division may order a cessation of operation*
20 *of a permanent amusement ride if it is determined after*
21 *inspection to be hazardous or unsafe. Operation shall not*
22 *resume until these conditions are corrected to the*
23 *satisfaction of the division.*

24 *(c) Whenever a state, county, or local fire or police*
25 *agency is called to an accident involving a permanent*
26 *amusement ride covered by this part where a serious*
27 *injury or death occurs, the nearest office of the division*
28 *shall be notified by telephone immediately by the*
29 *responding agency.*

30 *7926. (a) A person may operate a permanent*
31 *amusement ride only if, at the time of operation, one of*
32 *the following is in existence:*

33 *(1) The owner of the permanent amusement ride*
34 *provides an insurance policy in an amount not less than*
35 *one million dollars (\$1,000,000) per occurrence insuring*
36 *the owner or operator against liability for injury or death*
37 *to persons arising out of the use of the permanent*
38 *amusement ride.*

39 *(2) The owner of the permanent amusement ride*
40 *provides a bond in an amount not less than one million*

1 dollars (\$1,000,000), except that the aggregate liability of
2 the surety under that bond shall not exceed the face
3 amount of the bond.

4 (3) The owner of a permanent amusement ride meets
5 a financial test of self-insurance, as prescribed by rules
6 and regulations promulgated by the division, to
7 demonstrate financial responsibility covering liability for
8 injury suffered by patrons riding the permanent
9 amusement ride.

10 (b) The insurance policy or bond shall be obtained
11 from one or more insurers or sureties licensed by the
12 Department of Insurance to do business in this state, or
13 by a nonadmitted insurer employed by a surplus lines
14 broker licensed by the Department of Insurance.

15 ~~7925.—~~

16 7927. Each owner of a permanent amusement ride
17 shall provide training for its employees in the safe
18 operation and maintenance of amusement rides, as
19 required by the standards adopted by the American
20 Society for Testing Materials, Committee F770-03,
21 Section 4.1.3, and Committee F853-93, Section 6.2, as
22 amended or as may be amended from time to time, *and*
23 *the injury prevention program required under Section*
24 *6401.7.*

25 ~~7926. (a) Each patron who rides a permanent~~
26 ~~amusement ride shall comply with all warnings and~~
27 ~~instructions provided by the owner of the permanent~~
28 ~~amusement ride.~~

29 ~~(b) Each patron who rides a permanent amusement~~
30 ~~ride shall refrain from behaving in any manner that may~~
31 ~~cause or contribute to the injury of the patron or others,~~
32 ~~including all of the following:~~

33 ~~(1) Interfering with the safe operation of the~~
34 ~~permanent amusement ride.~~

35 ~~(2) Disengaging any safety devices that are provided.~~

36 ~~(3) Disconnecting or attempting to disable any safety~~
37 ~~or restraining device of a permanent amusement ride,~~
38 ~~except at the express instruction of the operator.~~

39 ~~(4) Altering or enhancing the intended speed, course,~~
40 ~~or direction of a permanent amusement ride.~~

~~(5) Using or attempting to use the controls of a permanent amusement ride designed solely to be operated by the operator of the permanent amusement ride.~~

~~(6) Throwing, intentionally dropping, or expelling an object from a permanent amusement ride, or toward another patron, except as permitted by the ride operator.~~

~~(7) Purposefully embarking or disembarking from a permanent amusement ride except at the time and area designated for such a purpose, or at the direction and under the direct supervision of an authorized agent or employee of the ride operator, or in an emergency.~~

~~(8) Extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator.~~

~~(c) Any warnings or instructions provided to a patron by the owner of the permanent amusement ride do not abrogate, limit, modify, or otherwise affect any potential liability that is otherwise available at law.~~

~~7927. (a) Each person who operates a permanent amusement ride shall maintain accurate records of each accident of the permanent amusement ride, of which the operator has knowledge, that results in death or serious injury to a patron or employee and that is caused by the permanent amusement ride. If an accident results in the death or serious injury requiring medical treatment of a patron or employee, the owner of the permanent amusement ride shall immediately notify the division by telephone or in person of that accident.~~

~~(b) The records required by this section shall be filed with the division on an annual basis. A qualified safety inspector employed by the division may inspect any permanent amusement ride after the report of an accident to the division. The division may order cessation of operation of a permanent amusement ride if it has been determined after inspection to be hazardous or unsafe. Operation shall not resume until these conditions are corrected to the satisfaction of the division.~~

~~(c) For the purposes of this section, medical treatment includes treatment, other than first aid, administered by~~

~~1 a physician or by registered professional personnel under
2 the standing order of a physician. Medical treatment does
3 not include first aid treatment even though provided by
4 a physician or registered professional personnel. For
5 purpose of this subdivision, "first aid treatment" means
6 onetime treatment and subsequent observation of minor
7 scratches, cuts, burns, splinters, and any other minor
8 injuries that do not ordinarily require medical care.~~

9 7928. The division shall adopt rules and regulations
10 necessary for the administration of this part. The division
11 may employ qualified safety inspectors as necessary for
12 the purposes of this part.

13 7929. The division may fix and collect fees ~~for the~~
14 ~~inspection of permanent amusement rides that it deems~~
15 ~~necessary to cover the actual cost of having the inspection~~
16 ~~performed by a division inspector.~~ *necessary to cover the*
17 *cost of administering this part.*

18 7930. If the division determines that any owner or
19 operator of a permanent amusement ride subject to this
20 part has willfully or intentionally violated this part or any
21 rule or regulation promulgated under this part, *and that*
22 *violation results in a death or serious injury as specified in*
23 *Section 7925*, the division shall impose on that owner or
24 operator a civil penalty of not less than twenty-five
25 thousand dollars (\$25,000) and not more than seventy
26 thousand dollars (\$70,000).

27 7931. *The division shall enforce this part by the*
28 *issuance of a citation and notice of civil penalty in a*
29 *manner consistent with Section 6317. Any owner or*
30 *operator who receives a citation and penalty may appeal*
31 *the citation and penalty to the Occupational Safety and*
32 *Health Appeals Board in a manner consistent with*
33 *Section 6319.*